

EXHIBIT XX

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civi Action No. 06 Civ. 8193 (PAC) (DF)

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CLEAR CHANNEL OUTDOOR, INC.,
Plaintiff,

- against -

THE CITY OF NEW YORK and PATRICIA J.
LANCASTER, in her official capacity as
Commissioner of the New York City
Department of Buildings,
Defendants.

-----x

Civil Action No. 06 Civ. 8219 (PAC) (DF)

-----x

ATLANTIC OUTDOOR ADVERTISING, INC., SCENIC
OUTDOOR, INC., TROYSTAR CORPORATION and
WILLOW MEDIA, L.L.C,

Plaintiffs,

-against-

CITY OF NEW YORK, PATRICIA J. LANCASTER,
and EDWARD FORTIER,

Defendants.

-----x

March 19, 2008
10:10 a.m.

Deposition of KERRY

GOULD-SCHMIT, pursuant to Notice, held at
the offices of Davis Wright Tremaine LLP,
1633 Broadway, New York, New York, before
Jineen Pavesi, a Registered Professional
Reporter, Registered Merit Reporter,
Certified Realtime Reporter and Notary
Public of the State of New York.

<p>1 GOULD-SCHMIT</p> <p>2 general policy discussions about it, is it</p> <p>3 something worth moving forward on and what</p> <p>4 type of framework would you use.</p> <p>5 I was there more to sort of go</p> <p>6 through what is involved with obtaining a</p> <p>7 franchise and going through the council</p> <p>8 and getting the authorizing resolution,</p> <p>9 talking about that aspect.</p> <p>10 But I have been involved in</p> <p>11 conversations on the sidewalk shed</p> <p>12 advertising.</p> <p>13 Q. Let's take them from the</p> <p>14 beginning.</p> <p>15 Tell me the first time this</p> <p>16 came up.</p> <p>17 A. It was after the Bloomberg</p> <p>18 administration --</p> <p>19 Q. You said this came up during</p> <p>20 the Giuliani administration?</p> <p>21 A. My understanding is it was</p> <p>22 discussed under Giuliani, I didn't have</p> <p>23 any knowledge of it until I got asked to</p> <p>24 go to a meeting once Mayor Bloomberg took</p> <p>25 over.</p> <p style="text-align: right;">250</p>	<p>1 GOULD-SCHMIT</p> <p>2 administration?</p> <p>3 A. Yes.</p> <p>4 Q. What --</p> <p>5 A. My recollection is post street</p> <p>6 furniture franchise, because I was there</p> <p>7 to walk through what was involved in doing</p> <p>8 a franchise.</p> <p>9 Q. When you say post street</p> <p>10 furniture franchise, do you mean post the</p> <p>11 RFP or post the CEMUSA agreement?</p> <p>12 A. I would say at least obviously</p> <p>13 getting the authorizing resolution and</p> <p>14 getting the RFP out; I don't recall if the</p> <p>15 contract had been negotiated yet, but I</p> <p>16 had been through the process of getting an</p> <p>17 authorizing resolution and going down that</p> <p>18 road.</p> <p>19 Q. So it is probably 2004 or</p> <p>20 later?</p> <p>21 A. That's probably a safe guess,</p> <p>22 2003, somewhere in there, it would be late</p> <p>23 '03, I guess.</p> <p>24 Q. Tell me slowly what was</p> <p>25 discussed at this meeting.</p> <p style="text-align: right;">252</p>
<p>1 GOULD-SCHMIT</p> <p>2 As for dates, I don't recall, I</p> <p>3 don't even really remember why it was</p> <p>4 brought up, but I know I went to a meeting</p> <p>5 about it with people from Buildings.</p> <p>6 Q. Who was at the meeting?</p> <p>7 A. Marc Ricks, maybe Gabe Taussig.</p> <p>8 I don't know if Phyllis was</p> <p>9 there --</p> <p>10 Q. That would be Phyllis Arnold?</p> <p>11 A. Yes, and I believe somebody</p> <p>12 named Steven Kramer from DOB.</p> <p>13 There were other people, I</p> <p>14 don't recall their names.</p> <p>15 Q. Anyone from any other agencies</p> <p>16 other than DOB, DOT, and Marc Ricks from</p> <p>17 the Deputy Mayor's Office, Deputy Mayor</p> <p>18 Doctoroff and Gabe Taussig of the Law</p> <p>19 Department.</p> <p>20 Any other departments</p> <p>21 represented at the meeting?</p> <p>22 A. Not that I recall, but there</p> <p>23 could have been people from other</p> <p>24 departments.</p> <p>25 Q. This is during the Bloomberg</p> <p style="text-align: right;">251</p>	<p>1 GOULD-SCHMIT</p> <p>2 A. How you could actually set up a</p> <p>3 franchise or a concession to sell</p> <p>4 advertising space on sidewalk sheds.</p> <p>5 Q. Tell me more about what was</p> <p>6 discussed.</p> <p>7 A. I think we discussed a lot of</p> <p>8 the policy concerns about it, what are the</p> <p>9 implications on the sidewalk sheds and</p> <p>10 having them out on the sidewalk for</p> <p>11 extended periods of time because it is an</p> <p>12 incentive, if you're selling advertising</p> <p>13 on them, you know, does it encourage</p> <p>14 people to leave the sidewalk sheds out</p> <p>15 there longer than they need to be and how</p> <p>16 you would enforce against that.</p> <p>17 That I know was a big</p> <p>18 discussion point.</p> <p>19 Q. What were considered the pros</p> <p>20 in favor of a concession on the sidewalk</p> <p>21 sheds?</p> <p>22 A. I think part of it was they</p> <p>23 would look better, you could have higher</p> <p>24 standards as to lighting and things like</p> <p>25 that, because if people were selling</p> <p style="text-align: right;">253</p>

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<p>1 GOULD-SCHMIT</p> <p>2 advertising on them, they would be</p> <p>3 generating revenue and some of that</p> <p>4 revenue should go back to making it a more</p> <p>5 pleasant environment, because it is fairly</p> <p>6 unpleasant underneath the sidewalk sheds.</p> <p>7 So we did discuss in London the</p> <p>8 construction and sidewalk sheds are nicer,</p> <p>9 we were just talking anecdotally about</p> <p>10 what we experienced.</p> <p>11 It certainly came up about its</p> <p>12 impact, that we had the street furniture</p> <p>13 franchise on the street and it was moving</p> <p>14 forward and would this even be attractive</p> <p>15 to people, because there is just more and</p> <p>16 more advertising out there and at some</p> <p>17 point does it lose its value, so we sort</p> <p>18 of talked about that at a very high level</p> <p>19 of detail, no great analysis, just sort of</p> <p>20 what our feelings were about that.</p> <p>21 That's what I remember most</p> <p>22 about it.</p> <p>23 Q. Was there discussion that this</p> <p>24 could bring in revenue for the city?</p> <p>25 A. Sure.</p> <p style="text-align: right;">254</p>	<p>1 GOULD-SCHMIT</p> <p>2 determine whether the industry was</p> <p>3 interested?</p> <p>4 A. I don't know that.</p> <p>5 Q. Would that have been DOB that</p> <p>6 would have done that?</p> <p>7 A. I assume it would be DOB</p> <p>8 because they regulate the sidewalk sheds,</p> <p>9 so I assume it is over there for them to</p> <p>10 decide because sheds are under their</p> <p>11 jurisdiction.</p> <p>12 Q. So you were there in part</p> <p>13 because of your expertise in the street</p> <p>14 furniture franchise?</p> <p>15 A. Yes, sort of in how to advance</p> <p>16 franchise, what's the regulatory process,</p> <p>17 and also just in general discussions about</p> <p>18 advertisement.</p> <p>19 Q. What was the result of this</p> <p>20 initial meeting that you have described?</p> <p>21 A. I do think there was a memo</p> <p>22 circulated, whether it went from Phyllis</p> <p>23 to our general counsel, I do think there</p> <p>24 is a memo out there basically stating the</p> <p>25 city's feelings about moving forward with</p> <p style="text-align: right;">256</p>
<p>1 GOULD-SCHMIT</p> <p>2 Q. Was there discussion about how</p> <p>3 much revenue it could bring in?</p> <p>4 A. No; the bigger concern was are</p> <p>5 we hurting ourselves by having too much</p> <p>6 advertising.</p> <p>7 It wasn't an analysis of I</p> <p>8 think it is worth this much; maybe that</p> <p>9 type of analysis has gone on, but I was</p> <p>10 not involved in that.</p> <p>11 Q. So there was concern that there</p> <p>12 would be an oversaturation of the market</p> <p>13 and you might decrease the value of the</p> <p>14 ads on the street furniture structures if</p> <p>15 you also had ads on the sidewalk sheds?</p> <p>16 A. Sure, street furniture, phones,</p> <p>17 whatever is out there, yes; the idea was</p> <p>18 could you have too much out there.</p> <p>19 And also, you need to attract</p> <p>20 people to come in and do it.</p> <p>21 There was just a conversation</p> <p>22 about, well, maybe the industry wouldn't</p> <p>23 even be interested in this because there</p> <p>24 is so much out there.</p> <p>25 Q. Was there an attempt to</p> <p style="text-align: right;">255</p>	<p>1 GOULD-SCHMIT</p> <p>2 this.</p> <p>3 I don't know if I have that or</p> <p>4 it has been produced, but there is a memo</p> <p>5 out there.</p> <p>6 Q. What was the gist of that memo?</p> <p>7 A. I think it is very complicated.</p> <p>8 MS. NEUFELD: I think it is a</p> <p>9 privileged memo.</p> <p>10 Q. Other than a memo, do you know</p> <p>11 what the result of the meeting was about a</p> <p>12 possible concession on sidewalk sheds?</p> <p>13 A. It hasn't gone anywhere, but I</p> <p>14 was not that involved, so it could be</p> <p>15 going somewhere and I just don't know</p> <p>16 about it or didn't know about it.</p> <p>17 Q. Your involvement was limited to</p> <p>18 this one meeting?</p> <p>19 A. I have had people follow up</p> <p>20 with phone calls.</p> <p>21 Q. Who did you have followup</p> <p>22 telephones calls with?</p> <p>23 A. Liz Weinstein.</p> <p>24 Q. Who is she?</p> <p>25 A. She works at the Mayor's Office</p> <p style="text-align: right;">257</p>

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